



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10000000	01/15/00	CLARK	

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EXAMINER	
HADDILL, F	
ART UNIT	PAPER NUMBER
125	3

DATE MAILED: 05/31/00

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1 to 25 are pending in the application.
- Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1 to 25 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections **MUST** be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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Claims 1 to 25 are rejected under 35 U.S.C. 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 to 16 are vague, indefinite and too broad in failing to recite the reason or purpose for treating the eye. Also, some of the claims fail to recite the amounts of perfluorocarbon employed. Claim 4 is vague and indefinite since it not clear when the vitreous is removed (before or after the perfluorocarbon is introduced). Claims 17 to 19 are vague and indefinite as to what constitutes the repairing. Claims 20 to 22 are vague and indefinite in failing to recite the amounts of perfluorocarbons employed. Claims 23 to 25 are vague and indefinite in failing to recite the purpose or reason for treating the eye.

The specification is objected to under 35 U.S.C. 112, first paragraph, as containing insufficient exemplary matter to support "treating an eye", "a perfluorocarbon or substituted derivative thereof"

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"brominated perfluorocarbon" and "iodinated perfluorocarbon". This paragraph of the statute requires that the specification shall contain a written description of the invention and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 to 24 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the objection to the specification.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

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matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20 to 22 are rejected under 35 U.S.C. 103 as being unpatentable over Wada who teaches perfluorocarbons to be old X-ray contrast agents. Hence, it is obvious to employ them in various X-ray contrast methods, in the absence of evidence to the contrary.

Claims 1 to 19 are rejected under 35 U.S.C. 103 as being unpatentable over Vygantas et al AS+AR and Lincoff et al who teach the treatment of eyes with perfluorocarbons. Note that the claims are not directed to liquid perfluorocarbons, but to liquids comprising perfluorocarbons.

FWaddell:adj

A/C 703

557-2575

03/29/83


FREDERICK E. WADDELL
EXAMINER
GROUP ART UNIT 125